

**REMARKS**

Claims 1 to 21 are pending in the present application. Claims 1, 3, 10 and 12 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 6,144,944 to Kurtzman II et al. (hereinafter "Kurtzman"). Claims 2, 5-7, 9, 11, 14-16 and 18-20 stand rejected under 35 U.S.C. § 103 as unpatentable over Kurtzman in view of webpages from Broadcast.com (hereinafter the "Broadcast.com reference"). Claims 4 and 13 stand rejected under 35 U.S.C. § 103 as unpatentable over Kurtzman. Claims 8, 17 and 21 also stand rejected under 35 U.S.C. § 103 as unpatentable over Kurtzman in view of the Broadcast.com reference. These rejections are respectfully traversed by the following remarks. Reconsideration of the present application is requested.

**The rejections under 35 U.S.C. §§ 102 and 103 should be withdrawn.**

In order for a claim to be anticipated under 35 U.S.C. § 102, a single prior art reference must disclose each and every element of the claim in exactly the same way. *See Lindeman Maschinenfabrik v. Am. Hoist and Derrick*, 730 F.2d 1452, 1458 (Fed. Cir. 1984); MPEP § 2131.

In order to reject a claim for obviousness under 35 U.S.C. § 103, the prior art must teach or suggest each and every element of the claim and must also suggest combining the elements in the manner contemplated in the claim. *See Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 934 (Fed. Cir. 1990), *cert. denied* 111 S. Ct. 296 (1990); *In re Bond*, 910 F.2d 831, 834 (Fed. Cir. 1990).

Applicant respectfully submits that these criteria are not met here.

**Independent claims 1, 3, 5, 10, 12 and 14 are allowable.**

Claim 1 of the present application recites:

A method of responding to a request, the method comprising the steps of:

establishing a plurality of categories of potential requests;

associating a plurality of sets of data with each of the categories; and,

in response to receipt of a request, assigning the request to one of the categories based on a subject matter in the data requested, relating one of the categories to the request according to the assignment, and preparing a response including at least two sets of data from the related category,

*said response including at least the data requested by the request.*

Kurtzman describes a system for providing selected advertisements in response to a requests from a web page server (Col. 2:25-27). The advertisements in Kurtzman are selected by one or more “affinity engines” which determine the degree of relevance that advertisements have for the information in the request from the webpage server including demographic information, page sponsor information and keyword information (Col. 2:30-37).

In contrast to the approach of Kurtzman, claim 1 recites a method where a response to a request is prepared based on assigning and relating the request to a category of requests based on the subject matter in the data requested, and delivering at least *two sets* of data from the related category *including the data requested by the request*. Kurtzman describes delivering ads based on information in the request from the webpage server, but does not describe sending *two sets* of data from a related category *including the data requested by the request*.

Claim 3 of the present application recites:

A method of responding to a request, the method comprising the steps of:  
    establishing a plurality of categories of potential requests;  
    associating a plurality of sets of data with each of the categories;  
    archiving successive requests from a given requester;  
and,  
    in response to receipt of a new request from the same requester, assigning the new request to one of the categories based on a subject matter in the data requested, *relating one of the categories to an archived request* and the same or a different category to the new request according to the assignment of the new request, and preparing a response including at least two sets of data from at least one related category or at least one set of data from each of at least two related categories.

Claim 3 recites a method where a response to a request is prepared based on relating the current request to a category of requests based on the subject matter in the data currently requested *and on relating an archived request to a category of requests*. Thus, claim 3 is allowable over Kurtzman because Kurtzman describes delivering ads based on *only* the current request and not on archived requests.

Claim 5 of the present application recites:

A method for providing user information related to a user's selection of audio data, the method comprising the steps of:  
    receiving a user's selection of audio data and an indicium identifying the user;  
    analyzing the user's present selection of audio data and previous selections, if any, of audio data, and identifying at least one user interest category *based on the user's present and previous audio data selections*;  
    selecting at least one user information item from the at least one identified user interest category;  
    associating or combining the at least one user information item with the user's audio data selection; and  
    delivering the associated or combined at least one user information item and the user's audio data selection to the user over an electronic network.

Claim 5 recites a method where an information item related to the user's selection of audio data is provided to a user based on analyzing the user's present selection *and previous selections* to identify at least one user interest category, selecting an information item from at least one of the identified categories and delivering that information item with the user's audio data selection to the user. Thus, claim 5 is allowable over Kurtzman because Kurtzman describes delivering ads based on only information in the request from the webpage server, not based on the user's present selection *and previous selections*. The Broadcast.com reference does not cure this deficiency of Kurtzman and the Examiner does not assert that it does. Thus, claim 5 is allowable over the combination of Kurtzman and the Broadcast.com reference.

Claim 10 of the present application recites:

A system for responding to a request, the system comprising:  
    a store for data organized in a plurality of categories each including a plurality of sets of data; and  
    means responsive to receipt of a request for assigning the request to one of the categories based on a subject matter in the data requested, relating one of the categories to the request and preparing a response *including at least two sets of data from the related category, said response including at least the data requested by the request*.

In contrast to the approach of Kurtzman, claim 10 recites a system where a response to a request is prepared based on assigning and relating the request to a category of requests based on the subject matter in the data requested, and delivering at least *two sets* of data from

the related category *including the data requested by the request*. Thus, claim 10 is allowable over Kurtzman because Kurtzman describes delivering ads based on information in the request from the webpage server, but does not describe sending *two sets* of data from a related category *including the data requested by the request*.

Claim 12 of the present application recites:

A system for responding to a request, the system comprising:  
    a store for data organized in a plurality of categories  
    each including a plurality of sets of data;  
    means for archiving successive requests from a given requester; and  
    means responsive to receipt of a new request from the same requester for assigning the new request to one of the categories based on a subject matter in the data requested, *relating one of the categories to an archived request* and the same or a different category to the new request according to the assignment of the new request, and preparing a response including at least two sets of data from at least one related category or at least one set of data from each of at least two related categories.

Claim 12 recites a system where a response to a request is prepared based on assigning the current request to a category of requests based on the subject matter in the data currently requested *and on relating an archived request to a category of requests*. Thus, claim 12 is allowable over Kurtzman because Kurtzman describes delivering ads based on *only* the current request and not on archived requests.

Claim 14 of the present application recites:

A system for providing user information related to a user's selection of audio data, the system comprising:  
    an audio data server that receives a user's selection of audio data and an indicium identifying the user;  
    a user information server that analyzes the user's present selection of audio data and previous selections, if any, of audio data, that identifies at least one user interest category *based on the user's present and previous audio data selections* that selects at least one user information item from the at least one identified user interest category, and that associates or combines the at least one user information item with the user's audio data selection; and  
    an audio data delivery system that delivers the associated or combined at least one user information item and the user's audio data selection to the user over an electronic network.

Claim 14 recites a system where an information item related to the user's selection of audio data is provided to a user based on analyzing the user's present selection *and previous selections* to identify at least one user interest category, selecting an information item from at least one of the identified categories and delivering that information item with the user's audio data selection to the user. Thus, claim 14 is allowable over Kurtzman because Kurtzman describes delivering ads based on only information in the request from the webpage server, not based on the user's present selection *and previous selections*. The Broadcast.com reference does not cure this deficiency of Kurtzman and the Examiner does not assert that it does. Thus, claim 14 is allowable over the combination of Kurtzman and the Broadcast.com reference.

**The remaining claims are allowable for at least the reasons the independent claims are allowable.**

Claims 2, 4, 6 to 9, 11, 13, and 15 to 21 are dependent on claims 1, 3, 5, 10, 12 or 14, thus they are allowable for at least the reasons that claims 1, 3, 5, 10, 12 and 14 are allowable.

**Dependent claims 7 and 16 are independently allowable.**

Furthermore, claims 7 and 16 are independently allowable over the Kurtzman and Broadcast.com references.

Claim 7 of the present application recites:

The method of claim 5, wherein said step of analyzing and identifying comprises the steps of:

assigning each of said user's present audio data selections and said user's previous audio data selections to said at least one user interest category, assigning each of said user's present audio data selections and each of said user's previous audio data selections an approximate time at which said audio data selection was received, *assigning each of said audio data selections a weighting factor that decreases as the difference between a present time and the approximate time at which said audio data selection was received*, multiplying the numerical value of an assignment to each of said at least one user interest category by a corresponding weighting factor to produce a numerical value for a weighted assignment to each of said at least one user interest category, and counting the numerical value of the weighted assignment to each of said at least one user interest category; and

when the accumulated number of weighted assignments to a selected one of said at least one user interest category is

greater than a selected threshold number, identifying the selected one of said at least one user interest category as a category from which said at least one user information item is selected.

Claim 7 recites the method of claim 5 and further includes assigning each audio data selection “a weighting factor that decreases as the difference between a present time and the approximate time at which said audio data selection was received” and using that weighting factor to produce a “weighted assignment” for a user interest category. Neither Kurtzman nor the Broadcast.com reference describes weighting previous selections based on the difference in time from the present and when the selection was received. Thus, claim 7 is independently allowable over both Kurtzman and the Broadcast.com reference.

Claim 16 of the present application recites:

The system of claim 14, wherein said user information server assigns each of said user's present audio data selections and said user's previous audio data selections to said at least one user interest category, assigns each of said user's present audio data selections and each of said user's previous audio data selections an approximate time at which said audio data selection was received, *assigns each of said audio data selections a weighting factor that decreases as the difference between a present time and the approximate time at which said audio data selection was received*, multiplies the numerical value of an assignment to each of said at least one user interest category by a corresponding weighting factor to produce a numerical value for a weighted assignment to each of said at least one user interest category, and counts the numerical value of the weighted assignment to each of said at least one user interest category; and

when the accumulated number of weighted assignments to a selected one of said at one user interest category is greater than a selected threshold number, said user information server identifies the selected one of said at least one user interest category as a category from which said at least one user information item is selected.

Claim 16 recites the system of claim 14 and further includes assigning each audio data selection “a weighting factor that decreases as the difference between a present time and the approximate time at which said audio data selection was received” and using that weighting factor to produce a “weighted assignment” for a user interest category. Neither Kurtzman nor the Broadcast.com reference describes weighting previous selections based on the difference in time from the present and when the selection was received. Thus, claim 16 is

independently allowable over both Kurtzman and the Broadcast.com reference.

**Conclusion**

Thus, it is respectfully submitted that the rejection of claims 1 to 21 under 35 U.S.C. §§ 102(b) or 103 should be withdrawn. It is respectfully submitted that the application is in condition for allowance, and Applicant requests reconsideration and withdrawal of all grounds of rejection.

A Notice of Allowance is respectfully requested.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.


The Examiner is invited to contact the undersigned at (212) 425-7200 to discuss the application.

Respectfully submitted,

Dated:

2/10/65

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